

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NEXTERA ENERGY CAPITAL
HOLDINGS, INC., et al.,
Plaintiffs,

v.

DEANN T. WALKER, Chairman,
Public Utility Commission of Texas et
al.,
Defendants.

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CIVIL ACTION NO. 1:19-cv-00626

**STATEMENT IN OPPOSITION OF THE MOTION OF THE
UNITED STATES TO PARTICIPATE IN THE DECEMBER 4 HEARING**

The State Official Defendants (“Texas”) oppose the United States’ Motion to Participate in the December 4 Hearing. In its Motion, the Department of Justice makes no claim that it has any additional or unique information to present to the court in its requested five minutes. *See generally* Opposed Motion of the United States to Participate in the December 4 Hearing. The arguments it presents in its Statement of Interest are duplicative of what has been advanced by Plaintiffs in their briefing, and there is nothing to indicate that the Department of Justice will offer anything useful to the Court in the short time it requested. Additionally, Texas reiterates the concerns outlined in its Conditional Motion for Extension of Time that the Department of Justice appears to be seeking to participate as an intervenor would —by responding to motions and

presenting argument at hearings on motions—when this Court has expressly stated that it will wait until after hearing the Motion to Dismiss to rule on interventions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2019, a true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record and via email to the following individuals who have provided their written consent in accordance with FRCP 5(b)(2)(E) to receive service by electronic means:

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